

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EXCELLED SHEEPSKIN & LEATHER
COAT CORP.,

Plaintiff/Counterdefendant,

v.

COULTER VENTURES, LLC D/B/A
ROGUE FITNESS,

Defendant/Counterclaimant.

Civil Action No. 1:12-cv-1416

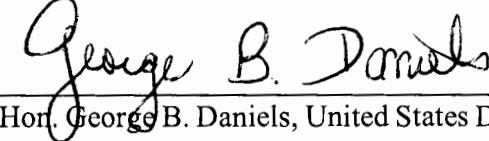
ORDER AND FINAL JUDGMENT
UNDER FEDERAL RULE OF CIVIL PROCEDURE 54

This matter is before the Court on the joint motion of Plaintiff/Counterdefendant Excelled Sheepskin & Leather Coat Corp. (“Excelled”) and Defendant/Counterclaimant Coulter Ventures, LLC (“Rogue Fitness”) for entry of final judgment pursuant to Rule 54, Fed. R. Civ. P. Before Rogue Fitness substituted into this action in place of Oregon Brewing Company (“OBC”), OBC had moved for partial summary judgment on its Counterclaim Counts I-III and on certain of Excelled’s affirmative defenses. (ECF Nos. 157, 158.) The Court had granted OBC’s motion in its entirety (ECF No. 172) and final judgment shall now be entered on those counterclaims and affirmative defenses. Further, the United States Patent and Trademark Office has cancelled the trademark registrations at issue in OBC’s Counterclaim Count IV, i.e., U.S. Trademark Registration Nos. 2,790,074; 3,260,143; 3,346,559; and 3,945,523, and thus Counterclaim Count IV is moot.

It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court’s August 15, 2019 Order (ECF No. 172) and pursuant to Rule 54, Fed. R. Civ. P., final

judgment is entered for Rogue Fitness on Counterclaim Counts I-III, and Excelled's affirmative defenses are dismissed with prejudice; pursuant to 15 U.S.C. § 1116, Excelled, its officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with any of them are permanently enjoined and prohibited from directly or indirectly using or registering Rogue Fitness' trademark ROGUE, as shown in U.S. Trademark Registration Number 3,365,653, and colorable imitations thereof, in connection with the manufacture, design, sale, offering for sale, distribution, or advertising of apparel, including t-shirts, sweatshirts, caps, hats, jackets, coats, skirts, shirts, dresses, socks, and footwear; and that Counterclaim Count IV is dismissed as moot. Any and all other claims for relief that were asserted or that could have been asserted by either party, including claims for monetary relief and attorneys fees, are dismissed with prejudice.

Dated: JUN 10 2025



Hon. George B. Daniels, United States District Judge